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In re Application of
Engelhardt, et al.
Application No.: 10/532,779
PCT No.: PCT/EP03/11343
Int. Filing Date: 14 October 2003
Priority Date: 24 October 2002
Attorney's Docket No.: 188.574
For: CAM FOLLOWER FOR A VALVE GEAR IN
AN INTERNAL COMBUSTION ENGINE

DECISION ON
PETITION
UNDER 37 CFR 1.47(a)

This is a decision in response to the petition under 37 CFR §1.47(a) filed on 12 August 2005. The \$130 petition fee has been paid.

BACKGROUND

On 14 October 2003, applicants filed international application PCT/EP03/11343 that claimed priority of an earlier German application filed 24 October 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 May 2004. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 24 April 2005.

On 22 April 2005, applicants filed a letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a copy of the international application, the search fee (\$500), the examination fee (\$200) and the basic national fee of \$300 as required by 35 U.S.C. 371(c). These papers were assigned application number 10/532,779.

On 12 August 2005, applicant filed the current petition along with a declaration signed by inventors Engelhardt and Kecker and an affidavit by Matthias Becker.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing inventor. The petition is missing item (3) above.

With respect to item (1), applicant included the \$130 petition fee.

With respect to item (2), Mathhias Becker states that he sent a copy of the application, the declaration and the assignment to inventor Michel. When inventor Michel did not respond, Mr. Becker followed up with a letter requesting his signature again.

With respect to item (4), applicant provided a declaration signed by inventors Engelhardt and Kecker.

With respect to item (3), applicant did not provide inventor Michel's last known address. Applicant is required to provide a statement of the last known address of inventor Michel.

CONCLUSION

The petition under 35 U.S.C. 1.47(a) is **DISMISSED without prejudice.**

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely submit the proper response will result in **ABANDONMENT**. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Should status under 37 CFR 1.47(a) not be successfully completed, the international application will be viewed as becoming abandoned with respect to the United State at midnight at the expiration of the time period set in this decision or as extended by any extension see timely paid under 37 CFR 1.136(a).



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